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November 1, 2019

ATTN: JUDGE PAUL G. GARDEPHE
UNITED STATES DISTRICT COURT
40 Foley Square
New York, NY 10007

Re: USA v. Johnson, 16-CR-00281 (Defendant: Donnell Murray)

Dear Judge Gardephe:

After consulting with Mr. Murray prior to sentencing, I am submitting the following additional objections to the PSR.

1. Objection to Paragraph 28 alleging Mr. Murray's involvement of an assault against Prince Wareham. The defense objects to the Court considering this assault on the basis that there was insufficient corroboration of this incident introduced into evidence at trial. Other than the testimony of Mr. Jones, there was no additional proof and evidence introduced at trial that corroborated this assault. There was no evidence of a 911 call, nor any evidence of police intervention, police action, nor any evidence of bullet casings or any other physical evidence introduced at trial.
2. Objection to Paragraph 105, which alleges that Mr. Murray was arrested on May 9, 2005, for Murder and other related charges. Attached to this letter please find a copy of an arrest report for this charge, which was provided to the defense by the Government. However, Mr. Murray contests the fact that he was ever arrested for Murder or that he was ever accused of being involved in any Murder. For this reason, I must object to the Court considering this arrest.¹

Sincerely,




BRYAN KONOSKI

¹ As indicated in the sentencing submission, the defense objected to the Court considering any of Mr. Murray's past arrests, which did not result in a conviction.

ARREST Report - B05630925

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		New York City Police Department Omni-form System - Arrests	
RECORD CONTAINS SEALED INFORMATION. THIS RECORD MAY NOT BE MADE AVAILABLE TO ANY PERSON OR PUBLIC OR PRIVATE AGENCY OUTSIDE THE POLICE DEPARTMENT.			
RECORD STATUS: SEALED		Arrest ID: B05630925 - M	
Arrest Location: INSIDE OF 4111 LACONIA AVENUE		Pct: 047	
Arrest Date: 05-09-2005 Processing Type: ON LINE Time: 22:15:00 DCJS Fax Number: B0026077 Sector: F Special Event Code: - Strip Search Conducted: DAT Number: 0 Viper Initiated Arrest: Stop And Frisk: NO Return Date: 0000-00-00 Serial #: 0000-000-00000			
COMPLAINTS:		Arrest #: B05630925	
COMPLAINT NUMBER REPORT DATE RECORD STATUS OCCUR DATE OCCUR TIME 2005-047-03904 2005-04-24 Valid, No Arrests 2005-04-24 02:15			
SEALED		SEALED	
CHARGES:		Arrest #: B05630925	
CHARGE ATTEMPT? LAW CODE CLASS TYPE COUNTS DESCRIPTION TOP Yes PL 125.25 01 F A 1 MURDER 2ND: INTENTIONAL #02 No PL 120.10 01 F B 1 ASLT W/INT CAUS SER INJ W/WEAP #03 No PL 285.09 01 F B 1 CRIMINAL USE FIREARM 1ST DEG #04 No PL 285.01 02 M A 1 CRIM POSS WEAP-4TH:INT TO USE			
DWI Arrest from:	# Injured: 00	# Fatalities: 00	Test Given:
B.A.C.:		Reason Not Forfeited:	
SEALED		SEALED	
DETAILS:		Arrest #: B05630925	
AT T.P.O. DEPD. DID SHOOT WITH HANDGUN C/V IN STOMACH CAUSING SEVERE PAIN.			
SEALED		SEALED	
DEFENDANT: MURRAY, DONNELL		NYSID #: 08105216R Arrest #: B05630925	
Nick/AKA/Maiden: Sex: MALE Race: BLACK Age: 25 Date Of Birth: 08/28/1979 U.S. Citizen: YES Place Of Birth: USA Is this person not Proficient in English?: NO If Yes, Indicate Language: Accent: NO		Height: 5FT 10IN Weight: 210 Eye Color: BROWN Hair Color: BROWN Hair Length: SHORT Hair Style: CLOSE CUT Skin Tone: DARK Complexion: CLEAR Soc.Security #: 072-64-4598	
Order Of Protection: NO Issuing Court: Docket #: Expiration Date: Relation to Victim: FRIEND/ACQUAINTANCE Living together: NO Can be Identified: YES			

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http://omni-form.nypd.org/omni-form/bads/webFocusReport.do?IBIF_webapp=/ibi_apps&... 11/18/2016

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SEALED		SEALED	
DEFENDANTS CALLS:		Arrest #: B05630925	
CALL # NUMBER DIALED NAME - PROVIDED BY DEFENDANT NAME AS LISTED IN CELL PHONE RELATIONSHIP CALL COMPLETED			
1	--	REFUSED	
SEALED		SEALED	
INVOICES:		Arrest #: B05630925	
INVOICE# COMMAND PROPERTY TYPE VALUE			
SEALED		SEALED	
ARRESTING OFFICER: DT3 ANTHONY J SANTORO		Arrest #: B05630925	
Tax Number: [REDACTED] On Duty: YES Other ID (non-NYPD): [REDACTED] In Uniform: NO Shield: 6345 Squad: DE Department: NYPD Chart: 08 Command: 270 Primary Assignment:		Force Used: NO Type: Reason: Officer Injured: NO	
SEALED		SEALED	
Arresting Officer Name: DT3 SANTORO, ANTHONY J		Tax #: [REDACTED]	Command: 270
Supervisor Approving: SGT BURNS		Tax #: [REDACTED]	Command: 270
Report Entered by: DT3 SANTORO		Tax #: [REDACTED]	Command: 270
			Agency: NYPD
			Agency: NYPD
			Agency: NYPD
END OF ARREST REPORT B05630925			

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